

IN THE DISTRICT COURT OF THE UNITED STATES
For the Western District of New York

MAY 2007 GRAND JURY
(Empaneled 5/04/07)

THE UNITED STATES OF AMERICA

-vs-

SHANE C. BUCZEK,

Defendant.

Violation:

Title 18, United States
Code, Sections 1344 and 3147

(2 Counts)

COUNT ONE

The Grand Jury Charges that:

FROM on or about September 18, 2008, to on or about January 16, 2009, in the Western District of New York and elsewhere, defendant SHANE C. BUCZEK unlawfully, willfully and knowingly executed and attempted to execute a scheme and artifice to defraud and to obtain the money, funds, credits, assets and other property owned by and under the control of a financial institution, namely, HSBC, NA (hereinafter "HSBC"), an institution which had its deposits insured by the Federal Deposit Insurance Corporation.

THAT IS TO SAY, on or about September 18, 2008, the defendant opened a credit account at Best Buy in Hamburg, New York, which account had a credit limit of \$3300 and which account was actually a VISA account with HSBC.

THEREAFTER, the defendant used the account to purchase various items from Best Buy which purchases approximately equaled the defendant's \$3300 credit limit.

THEN, on or about November 13, 17, 24, 25 and 28 and again on December 2, 2008, in efforts to replenish his line of credit, the defendant contacted HSBC's "Check Direct" department to pay down his balance, each time by supplying HSBC with the routing number of Depository Trust and Clearing Corporation ("DTCC") of New York City and an account number of an account in the defendant's name at DTCC and directing HSBC to debit that account to pay the defendant's outstanding balance.

IN TRUTH AND IN FACT, the defendant did not have, and knew he did not have, an account at DTCC, and knew that in supplying HSBC with the routing number for DTCC and an account number for an account at DTCC in his name, the defendant was providing HSBC with false information for the purpose, among others, of temporarily

returning his line of credit to or near to its \$3300 limit so that he could make additional purchases from Best Buy.

THEN, following each instance in which the defendant supplied HSBC with DTCC's routing number and the "number" of the non-existent account at DTCC, the defendant made further purchases from Best Buy knowing that by employing the scheme outlined above, he was enriching himself with Best Buy merchandise knowing full well that HSBC would never be paid for the defendant's purchases from Best Buy.

ALL in violation of Section 1344 of Title 18 of the United States Code.

COUNT TWO

The Grand Jury Further Charges that:

DEFENDANT SHANE C. BUCZEK was on release pursuant to an order dated March 13, 2008, from the United States District Court for the Western District of New York, Case No. 08-CR-54, which order notified said defendant of the potential effect of committing an offense while on pretrial release.

From on or about September 18, 2008, to on or about January 16, 2009, in the Western District of New York and elsewhere, the defendant SHANE C. BUCZEK, did commit the offense of bank fraud, in the manner set forth in Count One of this Indictment, in violation of Title 18, United States Code, Section 1344;

ALL in violation of Title 18, United States Code, Section 3147(1).

DATED: Buffalo, New York, April 21, 2009.

KATHLEEN M. MEHLTRETTER
Acting United States Attorney

BY: S/ANTHONY M. BRUCE
ANTHONY M. BRUCE
Assistant United States Attorney
United States Attorney's Office
Western District of New York
138 Delaware Avenue
Buffalo, New York 14202
(716) 843-5700, ext. 886
Anthony.M.Bruce@usdoj.gov

A TRUE BILL:

S/FOREPERSON
FOREPERSON